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North Carolina State Bar

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THE NORTH CAROLINA STATE BAR

THOMAS P. PRUITT, *Editor*

Meeting of the Council of the North Carolina State Bar April 16, 1948

The regular quarterly meeting of the Council of the North Carolina State Bar was held on April 16, 1948, Department of Justice Building, Raleigh, North Carolina, with the following officers and members present:

Officers:

Joseph B. Cheshire, President, Raleigh
Thomas P. Pruitt, First Vice-President, Hickory
J. B. James, Second Vice-President, Greenville
Edward L. Cannon, Secretary-Treasurer, Raleigh

Councillors:

Junius D. Grimes, First District, Washington
Z. V. Norman, Second District, Plymouth
Julius Banzet, Third District, Warrenton
Albion Dunn, Fifth District, Greenville
Louis J. Poisson, Eighth District, Wilmington
R. P. Reade, Tenth District, Durham
W. L. Mann, Thirteenth District, Albemarle
J. Laurence Jones, Fourteenth District, Charlotte
John A. Scott, Fifteenth District, Statesville
B. F. Williams, Sixteenth District, Lenoir
Kyle Hayes, Seventeenth District, N. Wilkesboro
John Queen, Twentieth District, Waynesville

The minutes of the last meeting were read by the Secretary and approved as read. President Cheshire made a statement to the Council relative to his receipt of resolution from the Greensboro Bar Association suggesting a monthly publication for the Bar. Following considerable discussion and defeat of motion to make recommendation to the Greensboro Bar the matter was received as information.

The report of the Executive Committee was made by Mr. J. Laurence Jones who gave a statement of receipts and disbursements for the previous quarter and reported that the same were found to be correct. For the Committee Mr. Jones presented a statement of audit of the books of the State Bar and the Board of Law Examiners for the calendar year 1947. The report of the Executive Committee including the audit was approved and adopted.

Mr. Hayes suggested that the Committee continue to study the

matter of employment of an assistant to the Secretary to investigate matters of unauthorized practice.

The President called for the report of the Membership Committee made by Mr. Poisson. The Committee recommended the following actions:

E. D. Kuykendall, Jr.—No action	John C. Memory—Continued
John G. Proctor—No action	Frank H. Watson—Granted
E. P. Crow—Granted	Mark S. Dunn—Continued

The report of the Committee was adopted.

The President called the attention of the Council to the death of Mr. Charles G. Rose, former President of the State Bar, and appointed a committee composed of Messrs. Grimes, Poisson and Reade to prepare appropriate memorial to Mr. Rose to be presented at the next meeting of the Council.

The President called for the report of the Ethics Committee made by Mr. Grimes, Chairman. The Committee recommended revision of Canons 42 and 44. It was moved that Canon 42 be amended to read as follows:

"It shall be improper for an attorney to have his name published in a law list after April 16, 1948, if the same is disapproved by the Council of the North Carolina State Bar."

Amendment was offered to the motion as follows:

"It shall be improper for an attorney to permit his name to be published after April 16, 1948, in a law list that is not approved by the Council of the North Carolina State Bar."

The motion as amended was adopted. The Committee recommended and moved that Canon 44 be amended to read as follows:

"The Canons apply to all branches of the legal profession; specialists in particular branches are not to be considered as exempt from the application of these principles."

The motion was adopted. Following discussion motion was made to adopt the report of the Ethics Committee. The Secretary was instructed to certify the amendments to the Canons of Ethics to the Supreme Court.

The Council adjourned and reconvened at 2:40 P.M.

Mr. Grimes, Chairman of the Ethics Committee, suggested that the Council adopt the list of approved law lists of the American Bar Association for 1948, the same being as follows:

Law Lists as Approved by the North Carolina State Bar—1948

Associated Commercial Attorneys List
American Lawyers Quarterly

Attorneys List—United States Fidelity and Guaranty Company
B. A. Law List
Clearing House Quarterly
The Columbia List
The Commercial Bar
C-R-C Attorney Directory
Forwarders List of Attorneys
The General Bar
International Lawyers Law List
The Mercantile Adjuster
The National List
Rand McNally List of Bank Recommended Attorneys
The United Law List
Wright-Holmes Law List
American Lawyers Annual
American Bank Attorneys
The American Bar
The Bar Register
Campbell's List
Corporation & Administrative Lawyers Directory
The Lawyers Directory
The Lawyers List
Russell Law List
Martindale-Hubbell Law Directory
Best's Recommended Insurance Attorneys
Hine's Insurance Counsel
The Insurance Bar
The Underwriters List
Recommended Probate Counsel
Sullivan's Probate Directory
Illinois Legal Directory
Indiana Legal Directory
Iowa Legal Directory
Kansas Legal Directory
Missouri Legal Directory
Ohio Legal Directory
Pacific Coast Legal Directory for States of Arizona, California,
Nevada, Oregon, and Washington
Texas Legal Directory
Wisconsin Legal Directory
Canada Bonded Attorney
Canada Legal Directory
Canadian Credit Men's Commercial Law and Legal Directory
Canadian Law List
Empire Law List
The International Law List
Kime's International Law Directory

The motion to adopt these law lists as approved by the Council of the North Carolina State Bar was carried.

The President called for the report of the Committee on Unauthor-

ized Practice. The Committee reported that in connection with the advertising of the American Trust Company they recommended a strong letter calling the attention of the company to the statutes the same to be forwarded by the Secretary and if this company in the future should not comply with the statutes that whatever action necessary be taken by the Secretary for compliance with the statutes. In the matter of the advertising and solicitation of the Union Trust Company of Shelby, the Committee recommended that the Secretary address a letter to this institution calling their attention to the law and requesting a retraction of advertising being used by them and that they make correction of the same. The Committee recommended that the matter of Harvey L. Beck, of Davidson County, be continued until the next meeting. The Committee recommended that the Secretary investigate and proceed to prosecute in the matter of G. Glen Nichols if the facts justify. The Committee reported on five other items and recommended that no action was necessary as they received them as information. The Committee called the attention of the Council to the Barton judgment secured in the Superior Court of Robeson County restraining the unauthorized practice. Motion was made that the report and recommendations be approved and adopted. Motion was carried.

The President called for the report of the Legislative Committee. Mr. Poisson, the Chairman, stated that there was no formal report to be made at this time.

Mr. Norman for the Committee on Post War Work reported that there was only one item in the file and recommended that this be continued.

Mr. Jones, Chairman of the Committee on Solicitation of Litigation, reported that the Solicitor of the Nineteenth District had brought a proceeding against one C. O. Hice and others for violation of the 1947 statute prohibiting solicitation of litigation and for unauthorized practice. After considerable discussion, it was moved and seconded that when this case is heard in the Superior Court of Buncombe County that the Secretary or a representative of the State Bar be present and observe said proceedings.

Upon call of the President it was reported that there was no report for the Special Committee on the Industrial Commission.

The President called for the report of the Grievance Committee which was made by Mr. Norman in the absence of the Chairman, Mr. Hastings. The Committee reported on nine matters as being considered by it and in two cases directed the Secretary to continue investigations, and referred one case to the Committee on Ethics. Two cases were dismissed and three cases were retained for further study. One case

was rereferred to the Committee for further study. The report of the Committee was adopted.

The Secretary made a statement to the Council relative to certain matters which the Board of Law Examiners desired called to the attention of the Council relative to investigations in cases before the Board. Upon discussion the Council directed the Secretary to make investigation of the matters called to their attention by the Board. The Secretary presented the change in the rules of the Board of Law Examiners recommended by the Board and already approved by them which was as follows:

“Amend Rule 17, paragraph 2, line 10, thereof as follows:

Strike out the figures ‘50.00’ and insert in lieu thereof the figures ‘76.50.’”

Upon motion the change in the rules of the Board of Law Examiners was adopted, and the Secretary was instructed to certify the same to the Supreme Court.

The President called the attention of the Council to the fact that two terms on the Board of Law Examiners were expiring. Upon motion made W. Frank Taylor and Bennett H. Perry were nominated to succeed themselves on the Board of Law Examiners. Upon motion the nominations were closed and the Secretary was instructed to cast the ballot of the Council for Messrs. Taylor and Perry. The same was done and Messrs. Taylor and Perry declared duly elected.

The President called for memorial to Mr. Julius Brown, former member of the Council, prepared by Messrs. James and Dunn. The same was read by Mr. James.

The President called upon Mr. John Queen for memorial to Mr. R. L. Phillips, former member of the Council. Mr. Queen read the memorial.

Upon inquiry Mr. Poisson made a brief statement to the Council relative to the work of the Commission for the Improvement of the Administration of Justice.

Mr. Pruitt called the attention of the Council to the material for the LAW REVIEW and requested that members of the Council assist in presenting proper material for inclusion in the LAW REVIEW.

The Council adjourned at 4:45 P.M.

**Financial Report of the North Carolina State Bar and the Board of
Law Examiners for Year Ending December 31, 1947**

NORTH CAROLINA STATE BAR

Raleigh, North Carolina

EXHIBIT "A"

Comparative Balance Sheet—December 31, 1947 and 1946

ASSETS

CASH:

First Citizens Bank & Trust Company:

	December 31,		Increase Decrease
	1947	1946	
Subject to Checking—			
Exhibit "B" :.....	\$ 553.04	\$ 644.88	\$ 91.84
Certificates of Deposit.....	3,000.00	2,500.00	500.00

INVESTMENT:

First Federal Savings & Loan 2,000.00 2,000.00

FURNITURE AND FIXTURES:

After Reserve for Depreciation of
\$637.84 at December 31, 1947 and
\$559.99 at December 31, 1946..... 140.66 218.51 77.85

TOTAL\$5,693.70 \$5,363.39 \$330.31

LIABILITIES AND SURPLUS

DUES COLLECTED IN ADVANCE.....\$ 80.00 \$ 65.00 \$ 15.00
SURPLUS—Exhibit "C"..... 5,613.70 5,298.39 315.31

TOTAL\$5,693.70 \$5,363.39 \$330.31

EXHIBIT "B"

**Condensed Statement of Cash Receipts and Disbursements
for the Year Ended December 31, 1947**

CASH BALANCE—December 31, 1946	\$ 644.88
RECEIPTS:	
Revenues—Exhibit "D"	\$14,772.21
Less: Dues for 1947 Collected in 1946.....	65.00
Revenue Collected for 1947.....	14,707.21
Add: Dues for 1948 Collected in 1947.....	80.00
TOTAL RECEIPTS	<u>14,787.21</u>
TOTAL	<u>15,432.09</u>
DISBURSEMENTS:	
Expenses—Exhibit "D"	14,456.90
Less: Depreciation	77.85
Cash Disbursed for Expenses	
During 1947	14,379.05
Add: Cash Invested in	
Certificates of Deposit	500.00
TOTAL CASH DISBURSED.....	<u>14,879.05</u>
CASH BALANCE—December 31, 1947—	
Exhibit "A"	<u>\$ 553.04</u>

EXHIBIT "C"

Statement of Surplus for the Year Ended December 31, 1947

BALANCE—January 1, 1947.....	\$5,298.39
Add: Excess of Revenues over Expenses.....	315.31
BALANCE—December 31, 1947—Exhibit "A".....	<u>\$5,613.70</u>

EXHIBIT "D"

Statement of Revenues and Expenses for the Year
Ended December 31, 1947

REVENUES:

Dues Collected	\$13,121.50	
Law Reviews	1,007.00	
Recovery of Bad Checks	11.00	
Interest	57.50	
Refund on Supplies	5.60	
Telephone Rebates	41.40	
Dividends	40.00	
Overpayment of Dues	8.21	
Collection of Loan to Board of Law Examiners	480.00	
TOTAL REVENUES		\$14,772.21

EXPENSES:

Council Expense	2,233.54	
Investigations	1,061.55	
Printing	308.70	
Supplies and Equipment	124.06	
Trial Committees	426.98	
Postage	433.27	
Committee Expense	631.93	
Reporting	111.40	
Telephone and Telegraph	473.11	
Bond Premium	12.50	
Bar Meetings	616.90	
Refunds	53.50	
Bad Checks	16.00	
Law Reviews	1,028.00	
Audit	100.00	
Withholding Taxes	450.90	
Bank Charges	2.91	
Depreciation	77.85	
Salaries:		
Secretary	4,351.00	
Clerical	1,942.80	
TOTAL EXPENSES		14,456.90

EXCESS OF REVENUES OVER EXPENSES—

Exhibit "C"	\$ 315.31
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THE BOARD OF LAW EXAMINERS

Raleigh, North Carolina

EXHIBIT "E"

Balance Sheet—December 31, 1947

ASSETS

CASH:

First Citizens Bank & Trust Company—

Exhibit "F"\$99.84

FURNITURE AND FIXTURES..... 88.27

TOTAL \$188.11

LIABILITIES AND SURPLUS

SURPLUS \$188.11

EXHIBIT "F"

Statement of Cash Receipts and Disbursements for the
Year Ended December 31, 1947

CASH BALANCE—January 1, 1947..... \$ 433.55

RECEIPTS:

Bar Examination Fees:

96 @ \$23.50\$2,256.00

3 @ \$25.00 75.00

1 @ \$24.50 24.50

Comity Applications:

9 @ \$73.50 661.50

2 @ \$74.50 149.00

1 @ \$50.00 50.00

Registration Fees:

317 @ \$ 1.00 317.00

Replacement of Licenses 5.00

Recovery of Bad Checks 1.00

TOTAL RECEIPTS 3,539.00TOTAL 3,972.55

DISBURSEMENTS:

Bar Examinations 2,062.56

Refunds 246.50

Postage 106.93

Office Supplies 705.25

Clerical 160.00

Payment of Loan by N. C. Law Board..... 480.00

Office Furniture 88.27

Miscellaneous 16.00

Safe Deposit Box 7.20

TOTAL DISBURSEMENTS 3,872.71CASH BALANCE—December 31, 1947 \$ 99.84

